

chapter 2

PARTNERSHIPS

Engaging the Transportation Planners

Under the Sensible Transportation Policy Act (STPA), the major transportation agencies of the State are obligated to try to manage demand on the systems within their charge. As noted in the previous chapter, this is tricky because these agencies have very limited authority over the development that creates the demand. They thus must rely on a relationship with the entities that do have that authority, chief among them municipalities. And, because individuals and property owners are ultimate decision-makers about the use of land and transportation systems, the relationship is three-way: state-municipal-private.

MaineDOT is charged with the overall responsibility for the State's transportation policy and planning. **Metropolitan Planning Organizations (MPOs)** are responsible for transportation planning in the urbanized portions of the Bangor, Lewiston-Auburn, and Portland-South Portland-Biddeford metropolitan areas, and the urbanized Maine portion of the Kittery-Portsmouth-Dover-Rochester metropolitan area. MPOs carry out their planning activities in cooperation with MaineDOT and are subject to the same planning policies, processes, and requirements as MaineDOT. **The Maine Turnpike Authority (MTA)** is responsible for the development, management and operation of the Turnpike and its connector roads.

Each has responsibilities under the STPA to work with municipalities as they develop plans and implement projects. In turn, municipalities are obligated to consider the impacts of land use decisions on transportation facilities. Municipalities also have opportunities to take advantage of incentives to prepare and implement community and regional transportation plans that will extend the life of the State's transportation system.

MaineDOT

MaineDOT wants to work with municipalities on land use strategies that will preserve the capacities of highway corridors and will allow rural arterials to function as they were intended – able to move people and goods through the state as smoothly and safely as possible. And it wants to carry out its mission in a way that is consistent with local goals for economic growth and quality of life.

MaineDOT's authority over land use is limited to access permits for driveways entering state roads outside of urban compact areas and to traffic movement permits for large-scale projects that generate 100 or more peak hour trips.

Beyond these, the department relies on a two-way flow transportation-land use obligations and opportunities with municipalities. These can be grouped under five headings:

- **Consistency:** There are two types of consistency. First, as a matter of policy and law, transportation and land use planning at the local level must be consistent with the Growth Management Act. Second, when MaineDOT is considering projects that are either “significant” (because the project increases capacity of the highway system) or of “substantial public interest” (as requested by municipal officials, or any interchange project), it must evaluate each option in light of local long-range land use plans and make good faith efforts to resolve conflicts with them. In the case of interchange projects, the department (or MTA) must seek the advice of municipalities or the appropriate regional entity as to how to avoid, minimize or mitigate an inconsistency or adverse impact.
- **Preservation of System Capacity:** Because funds to expand the capacity of the State's road system are limited, preserving existing capacity is among the highest priorities of MaineDOT and was an impetus behind the STPA rule adopted in 2008. Under the rule, if MaineDOT undertakes a “significant” highway or an interchange project, and if it determines that a community's land use policies will potentially reduce the transportation benefits of the project, the department may
 - a) request that the host or affected municipalities enact land use management strategies to avoid or minimize activities that could reduce the transportation benefits,
 - b) decide the loss of transportation benefits outweighs the cost and not build the project, or
 - c) apply a surcharge through a local cost share to offset the loss of benefits.
- **Corridors:** Both in its long-range planning and planning for specific projects, corridors are important building blocks for MaineDOT. When studying options for “significant” transportation projects, the department considers the cumulative effects of projects in a corridor on patterns of development, especially sprawl. Conversely, it examines the cumulative effects of development on the mobility of the corridor. It (and MPOs and Regional Councils) may recommend land use strategies to municipalities to lessen the impacts of development on the workings of the corridor.

Important Point:

“Consistency” is at the heart of the State's efforts to align transportation and land use plans. The STPA and Growth Management Act now point to each other: for a local comprehensive plan to be deemed consistent under the Growth Management Act, it must be consistent with the STPA. In turn, the plans of MaineDOT (and Maine Turnpike Authority and MPOs) must be consistent with the Growth Management Act and seek to resolve conflicts with local comprehensive plans.

Important Point:

For MaineDOT to take into account features that a community considers to be valuable, it is essential that towns document them in advance, as part of a comprehensive plan or community transportation plan adopted by the legislative body of the municipality. That puts the department on notice that it should include these in its project planning.

- **Community Enhancements:** When MaineDOT defines or scopes a transportation project, it will consider impacts on features that the community has documented to be important to its values and livability and will consider entering into a State-Local agreement to preserve or enhance these features. These may include, for example, facilities for pedestrians and bicycles, scenic vistas, historic districts or sites, street trees and tree lines, wildlife habitat, stone walls and similar landscape elements, and water quality concerns.
- **Incentive-based Community Transportation Plans:** MaineDOT uses the STPA rule as the basis for determining whether the transportation section of a municipal or multi-municipal comprehensive plan meets the goals of the Growth Management Act. In addition, based on 2008 amendments to the STPA, municipalities that use the STPA to guide their transportation chapters become eligible for transportation planning assistance and incentives for transportation investments. The incentives are competitive, based on a rating system to be established in a rule by MaineDOT, with funding commensurate with the merits of the community plan. The incentives increase if a municipality sets for itself a bar of consistency that is more than “basic,” and if two or more municipalities adopt a joint plan with complementary land use and transportation management strategies.

Table 2-1
Examples of basic vs.
a higher level of
consistency

Basic	Higher Level
Town has clearly designated growth areas in its comprehensive plan and has identified strategies to direct growth to them but hasn't adopted the implementing strategies	Town has designated growth areas in the Comp Plan and has adopted implementation measures that are likely to direct a majority of growth to them
Town has excluded substantial segments of rural arterials from growth areas in its comprehensive plan, but land use regulations still allow significant development along them	In its ordinances, Town has reserved a majority of frontage along rural arterials for rural land uses, allowing for only limited development along them
Access management standards address design factors (such as sight distance) but do not limit the number, spacing, or width of access points along rural arterials and major collector roads.	Standards limit access points along rural arterials and major collector roads to one per lot of record and prescribe distances between them based on speed limit. The width of access points is limited to assure safety.
Subdivision standards limit the length of new dead end roads and encourage but do not require the interconnection of streets within or between subdivisions	Subdivision standards require interconnections between streets in a subdivision and provide for future rights of way to connect one subdivision to another

Basic	Higher Level
The transportation element of a comprehensive plan is developed and adopted by a single town	The transportation element is prepared and adopted by neighboring towns as part of regional corridor planning
Local zoning encourages growth in appropriate areas but, by enforcing overly low densities and strictly separating land uses, does not enable most homes in these areas to be within ½-mile of basic services	Local zoning of growth areas allows a level of density and mix of uses that enable many homes to be within ½-mile of basic services
The Town has adopted operating and capital budgets that include transportation needs, but these relate primarily to auto travel	The Town has adopted operating and capital budgets that provide for multiple travel modes appropriate to its size and situation (e.g., public sidewalks, bikeways, ride sharing, transit as well as auto)

Table 2-1 (cont.)
Examples of basic vs.
a higher level of
consistency

To start with, MaineDOT intends to include in its package of incentives:

- Bonus prioritization points that increase access to funding in MaineDOT's competitive programs. A list of such competitive programs will be published every two years. The programs include, by way of example, Transportation Enhancement, Safe Routes to School, Small Harbor Improvement, Surface Water Quality Protection, and Community Gateways programs, among others;
- Incremental reductions in local match requirements;
- Bonus prioritization points when funding highway reconstruction and transportation mobility projects; and
- As appropriate, use of financial incentives for road projects as described in 23 M.R.S.A., Sections 703-B (assistance for new public roads needed for economic development, downtown revitalization, new housing stock, mixed-use centers, or public safety) and 1821 (providing investment alternatives to upgrade arterial and major collector highway capital projects).

METROPOLITAN PLANNING ORGANIZATIONS

In 35 municipalities, transportation planning rests primarily with one of the four metropolitan planning organizations (MPOs) of which they are part. These include 5 towns and cities in the Kittery Area, 15 in the Portland Area, 4 in the Lewiston-Auburn Area, and 11 in the Bangor Area. Community officials form the governance of the MPOs, making the MPOs examples of how multi-municipal transportation planning can work.

PACTS' Award Winning Long-Range Plan— Destination Tomorrow

In 2003, PACTS, the Greater Portland Area MPO, broke new ground for MPOs by explicitly tying its long-range transportation plan to land use objectives, namely:

- Maintain the historic pattern of villages and urban centers separated by rural countryside
- Target growth to compact, mixed-use centers
- Preserve and create mixed-use, pedestrian-friendly neighborhoods
- Engage the public in pursuit of smart growth solutions
- Provide choice in transportation

Specifically, the PACTS Land Use Policy states that:

A transportation project that, by itself or as part of a program of improvements, will create significant new transportation capacity within a corridor, must be accompanied by an integrated transportation and land use plan that:

- Preserves corridor capacity;
- Actively manages corridor mobility;
- Protects the public investment in the provision of infrastructure and public services; and,
- Combats sprawl by promoting compact, transportation efficient corridor land-use.

MPOs were established in Federal law, subject to state DOT oversight. They do the same transportation planning work, including the prioritization and funding of transportation projects, for the urbanized portions of federally defined metropolitan areas as MaineDOT does for the rest of the State. Every two years, they receive an allocation of funds from MaineDOT for planning and to construct federally eligible projects.

MPOs are subject to the same STPA requirements as MaineDOT. In their long-range plans, they address multi-modal transportation (bicycling, walking, transit, and ride-sharing as well as highway projects), and promote access management. The MPOs' long-range plans are strongly encouraged to consider municipal or multi-municipal land use programs within the respective MPO planning areas. At a minimum, they should inventory and evaluate existing land use policies and document how existing policies affect the transportation system. MPO long-range plans may include transportation and land use planning policies that guide MPO and MaineDOT capital investment decisions and planning processes. MPO long-range plans may also include recommendations to MaineDOT and MPO area municipalities concerning land use and

transportation goals, policies, objectives and strategies that assure the long-term benefits of the regional transportation system.

When an MPO long-range plan includes recommendations for a project that adds new highway capacity, the plan may document existing land use conditions in the area affected by the proposed project and include land use policy recommendations to municipalities to preserve the added capacity.

MAINE TURNPIKE AUTHORITY

The Maine Turnpike Authority (MTA), like MaineDOT, is subject to the terms of the STPA and, as part of projects that expand the capacity of the Turnpike, must consider the policies of affected local comprehensive plans and the Growth Management Act. If its preferred strategy conflicts with adopted land use plans, it must make a good faith effort to resolve the conflict.

Beyond this base requirement, MTA promotes alternative modes of travel, such as commuter buses and ride-sharing, that can reduce demand on the Turnpike during peak travel periods. Understanding that the Turnpike feeds and interacts with many tributary communities, the MTA also reaches out to communities in at least three ways. First, it is a member of each of the MPOs and meets regularly with Regional Councils. Second, MTA officials make annual visits to Turnpike corridor communities and communities that are tributary to the Turnpike. And third, the Turnpike's Board of Trustees meets twice a year – once in northern Maine and once in southern Maine – in public workshops with local officials.

Important Point: Communities along or near the Turnpike corridor sometimes include in their comprehensive plans a desire for improved connections to the Turnpike. Such a policy must have a strong factual basis and should be developed only after close consultation with MTA officials. (The same goes for connections to other limited access highways, which should involve close, early consultation with MaineDOT.)

REGIONAL COUNCILS

The State's regional councils – the 10 regional planning councils and councils of government and one county planning office listed in Table 2-2 – are key supporting structures in the world of STPA. MaineDOT relies on them to be its regional eyes and ears for public outreach and to coordinate advice on transportation needs from parties of interest in their respective regions.

The organizations play front-line roles in identifying needs within Corridors of Regional Economic Significance for Transportation (CREST) around the state, and in developing multi-modal management plans for the corridors, which in turn serve as input to MaineDOT's Long-Range Plan and in the development of multi-modal corridor management plans. In fact, it is likely that the majority of future, large-scale transportation projects of interest to communities will have to have been identified as part of multi-modal corridor management plans. Objectives of these planning efforts are to preserve the capacity of the corridors to move people and freight, preserve and enhance regional economic assets, align transportation investments with the needs of communities, and preserve local quality of life.

At the local level, the regional councils assist municipalities in updating comprehensive plans and the transportation chapters of those plans and with ordinances and other actions to better align land use decisions with the transportation system. And they are MaineDOT's conduit for delivering transportation planning data to communities who are undertaking transportation chapters of comprehensive plans (or want to prepare a stand-alone transportation plan). Early in their planning processes, communities should contact the regional council for data and guidance.

TABLE 2-2.
Regional Planning and
Development Organizations

Androscoggin Valley Council of Governments 125 Manley Road Auburn, ME 04210 (207) 783-9186 http://www.avcog.org/index.php	Midcoast Regional Planning Commission 166 Main Street, Suite 201 Rockland, ME 04841 (207) 594-2299 http://www.midcoastplanning.org
Greater Portland Council of Governments 68 Marginal Way, 4th Floor Portland, ME 04101 (207) 774-9891 http://www.gpcog.org	Northern Maine Development Commission 302 Main Street PO Box 779 Caribou, ME 04736 (800) 427-8736 http://www.nmdc.org/indexv2.cfm
Hancock County Planning Commission 395 State Street Ellsworth, ME 04605 (207) 667-7131 http://www.hpcme.org	Penobscot Valley Council of Governments 40 Harlow Street Bangor, ME 04401 (800) 339-6389 http://info@emdc.org
Kennebec Valley Council of Governments 17 Main Street Fairfield, ME 04937 (207) 453-4258 ext 25 http://www.kvcog.org/kvcog.html	Southern Maine Regional Planning Commission 21 Bradeen Street, Suite 304 Springvale, ME 04083 (207) 324-2952 http://www.smrpc.org
Lincoln County Planning Office High Street PO Box 249 Wiscasset, ME 04578	Washington County Council of Governments PO Box 631 Calais, ME 04619 (888) 287-3006 http://www.wccog.net
Mid-Coast Council for Business Development and Planning 7 Park Street Bath, ME 04530 (207) 443-5790 http://www.mcbdp.org	

